

§ 904.1

- 904.504 Administrative forfeiture proceedings.
904.505 Summary sale.
904.506 Remission and mitigation of forfeiture.
904.507 Petition for restoration of proceeds.
904.508 Recovery of certain storage costs.
904.509 Abandonment.
904.510 Disposal of forfeited or abandoned items.

AUTHORITY: 16 U.S.C. 1801-1882; 16 U.S.C. 1531-1543; 16 U.S.C. 1361-1407; 16 U.S.C. 3371-3378; 16 U.S.C. 1431-1439; 16 U.S.C. 773-773k; 16 U.S.C. 951-961; 16 U.S.C. 1021-1032; 16 U.S.C. 3631-3644; 42 U.S.C. 9101 *et seq.*; 30 U.S.C. 1401 *et seq.*; 16 U.S.C. 971-971i; 16 U.S.C. 781 *et seq.*; 16 U.S.C. 2401-2412; 16 U.S.C. 2431-2444; 16 U.S.C. 972-972h; 16 U.S.C. 916-916i; 16 U.S.C. 1151-1175; 16 U.S.C. 3601-3608; 16 U.S.C. 1851 note; 15 U.S.C. 4201 *et seq.*; Pub. L. 102-587, 106 Stat. 5039.

SOURCE: 52 FR 10325, Mar. 31, 1987, unless otherwise noted.

Subpart A—General

§ 904.1 Purpose and scope.

(a) This part sets forth the procedures governing NOAA's administrative proceedings for assessment of civil penalties, suspension, revocation, modification, or denial of permits, issuance and use of written warnings, and release or forfeiture of seized property.

(b) This subpart defines terms appearing in the part and sets forth rules for the filing and service of documents in administrative proceedings covered by this part.

(c) The following statutes authorize NOAA to assess civil penalties, impose permit sanctions, issue written warnings, and/or seize and forfeit property in response to violations of those statutes:

- (1) Antarctic Conservation Act of 1978, 16 U.S.C. 2401-2412;
- (2) Antarctic Marine Living Resources Convention Act of 1984, 16 U.S.C. 2431-2444;
- (3) Atlantic Salmon Convention Act of 1982, 16 U.S.C. 3601-3608;
- (4) Atlantic Striped Bass Conservation Act, 16 U.S.C. 1851 note;
- (5) Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971i;
- (6) Deep Seabed Hard Mineral Resources Act, 30 U.S.C. 1401 *et seq.*;
- (7) Eastern Pacific Tuna Licensing Act of 1984, 16 U.S.C. 972-972h;

15 CFR Ch. IX (1-1-02 Edition)

(8) Endangered Species Act of 1973, 16 U.S.C. 1531-1543;

(9) Fur Seal Act Amendments of 1983, 16 U.S.C. 1151-1175;

(10) Lacey Act Amendments of 1981, 16 U.S.C. 3371-3378;

(11) Land Remote-Sensing Commercialization Act of 1981, 15 U.S.C. 4201 *et seq.*;

(12) Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801-1882;

(13) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407;

(14) Marine Protection, Research, and Sanctuaries Act, 16 U.S.C. 1431-1439;

(15) Northern Pacific Halibut Act of 1982, 16 U.S.C. 773-773k;

(16) North Pacific Fisheries Act of 1954, 16 U.S.C. 1021-1032;

(17) Ocean Thermal Energy Conversion Act of 1980, 42 U.S.C. 9101 *et seq.*;

(18) Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3631-3644;

(19) Sponge Act, 16 U.S.C. 781 *et seq.*;

(20) Tuna Conventions Act of 1950, 16 U.S.C. 951-961; and

(21) Whaling Convention Act of 1949, 16 U.S.C. 916-916i.

The procedures set forth in this part are intended to apply to administrative proceedings under these and later-enacted statutes administered by NOAA.

§ 904.2 Definitions.

Unless the context otherwise requires, or as otherwise noted, terms in this part have the meanings prescribed in the applicable statute or regulation. In addition, the following definitions apply:

Administrator means the Administrator of NOAA or a designee.

Agency means the National Oceanic and Atmospheric Administration (NOAA).

Applicable statute means a statute cited in § 904.1(c), and any regulations issued by NOAA to implement it.

Applicant means any person who applies or is expected to apply for a permit.

Citation means a written warning (see section 311(c) of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1861(c), and section 11(c) of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773i(c)).